

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>NEXTEC APPLICATIONS, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BROOKWOOD COMPANIES, INC., and THE HALLWOOD GROUP, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 07 CV 6901 (THK) (RJH)</p> <p>DEFENDANT BROOKWOOD COMPANIES, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT</p>
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On May 12, 2008, this Court granted Defendant Brookwood Companies, Inc. ("Brookwood") leave to file a motion for partial summary judgment by June 30, 2008 based on Brookwood's affirmative defense under 28 U.S.C. § 1498(a) (Docket No. 43).

Pursuant to the Court's Order, Brookwood now moves this Court for entry of partial summary judgment against selected claims asserted by Plaintiff Nextec Applications, Inc. ("Nextec") in this action for alleged patent infringement. In particular, Brookwood requests entry of an order dismissing any claims asserted by Nextec for the alleged infringement of any product claims in the asserted patents-in-suit based on the sale of fabrics in furtherance of a government contract in light of the express terms of 28 U.S.C. §1498(a).

Brookwood's legal basis for having its motion for partial summary judgment granted as a matter of law is set forth in the accompanying Memorandum of Law in Support of Motion for Partial Summary Judgment, the Statement of Undisputed Material Facts pursuant to Local Civil Rule 56.1, the annexed Declaration of Frank Montie, dated June 25, 2008, and attachments thereto.

WHEREFORE, Brookwood respectfully requests that the Court grant Brookwood's Motion for Partial Summary Judgment in light of 28 U.S.C. §1498(a) and grant such relief as the Court deems just and proper. A proposed order is attached hereto as Exhibit 1.

Dated: June 30, 2008

New York, New York

Respectfully submitted,

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